

# **Title 32: PROFESSIONS AND OCCUPATIONS**

## **Chapter 20: FIRE SPRINKLER CONTRACTORS**

**HEADING: PL 1989, c. 247, §2 (new)**

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**Maine Revised Statutes**  
**Title 32: PROFESSIONS AND OCCUPATIONS**  
**Chapter 20: FIRE SPRINKLER CONTRACTORS**  
**HEADING: PL 1989, c. 247, §2 (new)**

**§1371. DEFINITIONS**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1989, c. 247, §§2, 4 (NEW).]

**1. Certificate.** "Certificate" means the document issued by the commissioner to a person indicating that the person is certified by the State as qualified to perform the job indicated in that document.

[ 1997, c. 728, §33 (AMD) .]

**2. Certified responsible managing supervisor.** "Certified responsible managing supervisor" means a person certified by the State as qualified to determine whether the plan and installation of fire sprinkler systems meet the standards provided by law, rule and regulation.

[ 1989, c. 247, §§2, 4 (NEW) .]

**3. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

[ 1989, c. 247, §§2, 4 (NEW) .]

**4. Department.** "Department" means the Department of Public Safety.

[ 1989, c. 247, §§2, 4 (NEW) .]

**5. Fire sprinkler system.** "Fire sprinkler system" means an assembly of overhead piping or conduits that conveys water with or without other agents to dispersal openings or devices to extinguish, control or contain fire and to provide protection from exposure to fire or the products of combustion, planned in accordance with a national or state standard.

[ 1997, c. 728, §33 (AMD) .]

**6. Fire sprinkler system contractor.** "Fire sprinkler system contractor" means a person licensed by the commissioner to undertake the planning, installation or inspection of a fire sprinkler system or any part of such a system.

[ 1997, c. 728, §33 (AMD) .]

**7. Inspect.** "Inspect" means to visually examine a fire sprinkler system or a portion of the system to verify that it appears to be in working order and free from physical damage.

[ 1989, c. 247, §§2, 4 (NEW) .]

**8. Installation.** "Installation" means the initial placement of a sprinkler system or part of the system or the extension, modification or alteration of a system or part after the initial placement.

[ 1989, c. 247, §§2, 4 (NEW) .]

**9. License.** "License" means the document issued by the commissioner to a contractor authorizing the contractor to engage in the fire sprinkler system business in this State.

[ 1997, c. 728, §33 (AMD) .]

**10. Plan.** "Plan" means a shop drawing or erection plan of a fire sprinkler system or a part of the system.

[ 1989, c. 247, §§2, 4 (NEW) .]

**11. Planning.** "Planning" means to draw or create plans.

[ 1989, c. 247, §§2, 4 (NEW) .]

#### SECTION HISTORY

1989, c. 247, §§2,4 (NEW). 1997, c. 728, §33 (AMD).

## §1372. APPLICABILITY

**1. State requirements.** The following documentation is required for persons involved in the installation of fire sprinklers.

A. Any person who undertakes planning or installation of a fire sprinkler system, or any part of the system, within this State must be licensed as a fire sprinkler system contractor. A person may not be identified as a fire sprinkler system contractor or any similar term unless licensed by the State. [ 1997, c. 728, §34 (AMD) .]

B. Any person who undertakes the review, approval and signing required for plans prior to submission to the Department of Public Safety must be certified by the commissioner. A person may not be identified as a certified responsible managing supervisor unless certified by the State. [ 1997, c. 728, §34 (AMD) .]

C. Any person who inspects a fire sprinkler system, other than a certified responsible managing supervisor or an agent of municipal or State Government or licensed insurer who inspects a system in performing that person's duties for that government or insurer, must be registered by the commissioner. [ 1997, c. 728, §34 (AMD) .]

[ 1997, c. 728, §34 (AMD) .]

**2. Posting of licenses, certificates and registrations.** Each license, certificate and registration issued under this chapter must be posted in a conspicuous place in the place of business of the person to whom it is issued. A license, certificate or registration is not transferable.

[ 1997, c. 728, §34 (AMD) .]

**3. Municipal licenses.** A municipality may not require fire sprinkler system contractors to be municipally licensed nor may any municipality issue a permit for any fire sprinkler system unless satisfied that the person applying for the permit complies with this chapter.

[ 1997, c. 728, §34 (AMD) .]

#### SECTION HISTORY

1989, c. 247, §§2,4 (NEW). 1997, c. 728, §34 (AMD).

## §1373. RENEWAL

The commissioner shall adopt rules governing the period of licensure and certification and conditions of renewal. [1989, c. 247, §§2, 4 (NEW).]

### SECTION HISTORY

1989, c. 247, §§2, 4 (NEW).

## §1374. FEES

The commissioner shall set fees for licensure, certification and registration which shall be just sufficient to cover the costs of implementing this chapter. A person licensed as a fire sprinkler system contractor who wishes to be certified as a responsible managing supervisor shall not be required to pay a fee for that certification. A person certified as a professional engineer by the State shall not be required to pay a fee for either being licensed as a fire sprinkler system contractor or being certified as a responsible managing supervisor. [1989, c. 247, §§2, 4 (NEW).]

All fees received by the department shall be paid to the State Treasurer and shall be used for carrying out this chapter. Any balance of these fees shall not lapse but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years. [1989, c. 247, §§2, 4 (NEW).]

### SECTION HISTORY

1989, c. 247, §§2, 4 (NEW).

## §1375. QUALIFICATIONS

**1. Fire sprinkler system contractor.** The commissioner shall issue a fire sprinkler system contractor license to any person who retains, either by employment or contract, at least one certified responsible managing supervisor. A certified responsible managing supervisor may also be a fire sprinkler system contractor.

[ 1997, c. 728, §35 (AMD) .]

**2. Certification of responsible managing supervisor.** The commissioner shall issue a responsible managing supervisor certificate to any person who:

A. Is certified by the National Institute for the Certification in Engineering Technologies at Level III for fire protection automatic sprinkler systems layout; [1989, c. 247, §§2, 4 (NEW).]

B. Is licensed by the State as a professional engineer and has 5 years experience in the field of fire protection, mechanical, piping or related engineering fields; or [1989, c. 247, §§2, 4 (NEW) .]

C. If applying prior to July 1, 1995, has 5 years prior experience in the planning or installation of fire sprinkler systems in the United States if the applicant provides a sworn statement of reference from 3 individuals as to the applicant's experience and is approved by the Fire Sprinkler Advisory Council created in section 1381. [1989, c. 247, §§2, 4 (NEW).]

[ 1997, c. 728, §35 (AMD) .]

**3. Inspection technician.** The commissioner shall issue an inspection technician registration to any person who demonstrates an understanding of fire sprinkler system planning, installation and maintenance sufficient to determine whether a fire sprinkler system is in proper operating condition.

[ 1997, c. 728, §35 (AMD) .]

### SECTION HISTORY

1989, c. 247, §§2,4 (NEW). 1997, c. 728, §35 (AMD).

## **§1376. TERMINATION OF EMPLOYMENT OR AGREEMENT**

Within 10 days after terminating employment or a contractual agreement with a licensed fire sprinkler system contractor the certified responsible managing supervisor involved shall notify the commissioner of that fact. [1997, c. 728, §36 (AMD).]

### **SECTION HISTORY**

1989, c. 247, §§2,4 (NEW). 1997, c. 728, §36 (AMD).

## **§1377. PLAN REVIEW**

Prior to construction of any fire sprinkler system, or prior to an addition involving more than 20 new sprinkler heads to a fire sprinkler system, regulated by the National Fire Protection Association, Pamphlet No. 13, as amended, a fire sprinkler system contractor shall obtain a permit from the commissioner who shall review the plan for construction or addition and charge a reasonable fee for the review and permitting process. All plans to be submitted by a contractor to the Department of Public Safety must be reviewed, approved and signed by the certified responsible managing supervisor retained by the contractor. [1997, c. 728, §36 (AMD).]

All plans for construction of or alteration to fire sprinkler systems must prominently display the fire sprinkler system contractor's license number, as well as the responsible managing supervisor's certification number and the name and address of the person to install the fire sprinkler system. Each permit issued must be displayed prominently at the site of construction. Within 30 days of the completion of a new fire sprinkler system or an addition to an existing fire sprinkler system, a fire sprinkler system contractor shall provide to the commissioner a copy of the permit signed by the certified responsible managing supervisor representing that the fire sprinkler system has been installed according to specifications of the approved plan to the best of the supervisor's knowledge, information and belief. [1997, c. 728, §36 (AMD).]

### **SECTION HISTORY**

1989, c. 247, §§2,4 (NEW). 1997, c. 728, §36 (AMD).

## **§1378. EMPLOYEES**

The commissioner may appoint, subject to the Civil Service Law, such employees as may be necessary to carry out this chapter. Any person so employed is under the administrative and supervisory direction of the commissioner. [1997, c. 728, §36 (AMD).]

### **SECTION HISTORY**

1989, c. 247, §§2,4 (NEW). 1997, c. 728, §36 (AMD).

## **§1379. INVESTIGATION OF COMPLAINTS; REVOCATION OF LICENSE**

The commissioner shall investigate or cause to be investigated all complaints made to the commissioner and all cases of noncompliance with or violation of this chapter. The commissioner may suspend or revoke a license, certification or registration pursuant to Title 5, section 10004. The commissioner may refuse to issue or renew a license, certification or registration or the District Court may suspend, revoke or refuse to renew the license, certification or registration of a person who is found guilty of: [1989, c. 247, §§2, 4 (NEW); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

**1. Fraud or deceit.** The practice of any fraud or deceit in obtaining a license, certification or registration;

[ 1989, c. 247, §§2, 4 (NEW) .]

**2. Negligence or misconduct.** Any negligence, incompetency or misconduct in the planning, installation or inspection of a fire sprinkler system. Continued failure to conform to standards or rules adopted by the department shall be prima facie evidence of negligence or incompetency;

[ 1989, c. 247, §§2, 4 (NEW) .]

**3. Violation of law.** Any violation of this chapter or any rule adopted by the department; or

[ 1989, c. 247, §§2, 4 (NEW) .]

**4. Conviction of crime.** Subject to the limitations of Title 5, chapter 341, a crime which involves dishonesty or false statement or which relates directly to the practice of fire sprinkler system planning, installation, inspection or any crime for which incarceration for one year or more may be imposed.

[ 1989, c. 247, §§2, 4 (NEW) .]

The commissioner, for reasons the commissioner may deem sufficient, may reissue a license, certification or registration to any person whose license, certification or registration has been revoked.

[1989, c. 247, §§2, 4 (NEW) .]

#### SECTION HISTORY

1989, c. 247, §§2,4 (NEW). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF) .

## §1380. PENALTIES; INJUNCTION

**1. Penalties.** Any person who plans, installs or inspects a fire sprinkler system, or any part of that system, without obtaining the required license, certification or registration, or after the license, certification or registration has expired or has been suspended or revoked or temporarily suspended or revoked, or who installs or alters a system without obtaining a permit as required by this chapter is guilty of a Class E crime.

[ 1989, c. 247, §§2, 4 (NEW) .]

**2. Injunction.** The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have or may be instituted in District Court or whether criminal proceedings have been or may be instituted.

[ 1989, c. 247, §§2, 4 (NEW); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

#### SECTION HISTORY

1989, c. 247, §§2,4 (NEW). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF) .

## §1381. FIRE SPRINKLER ADVISORY COUNCIL

*(REPEALED)*

#### SECTION HISTORY

1989, c. 247, §§2,4 (NEW). 1989, c. 878, §B26 (AMD). 1991, c. 622, §S31 (RP) .

## §1382. DEPARTMENT RULES

Following the procedures of Title 5, chapter 375, the commissioner shall adopt such rules as are necessary for the implementation of this chapter. [1989, c. 247, §§2, 4 (NEW).]

### SECTION HISTORY

1989, c. 247, §§2,4 (NEW).

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